22 ~~70~~. The stationary receiver of claim 19 ~~67~~ further including means for recalculating said error detection word using the received binary identification code and means for comparing such recalculated error detection code with said received error detection code to validate an error free pulse burst reception.

23 ~~71~~. The stationary receiver of claim 17 ~~65~~ wherein the means of receiving includes a microcontroller for executing microcode to establish a valid code burst from received pulse bursts.

Please cancel claims 2-48.

REMARKS

The text of the newly submitted claims is the same as the text of corresponding claims as last amended in applicant's parent application Serial No. 07/957,662. The text of original claim 1 has been retained for filing purposes in accordance with 37 C.F.R.§1.60. The correspondence between the claims is as follows:

New Claim No.	Claim Nos. as last amended in parent application
49	1
50	3
51	4
52	8
53	9
54	10
55	11
56	12
57	13
58	15
59	16
60	17
61	18
62	19
63	20

64	21
65	50 (21)
66	36
67	38
68	39
69	40
70	41
71	42

Applicants' claims recite a combination of elements in a format of means plus function which is specifically allowed under 35 U.S.C. Section 112, paragraph 6. It is well settled that the failure of a reference to disclose or suggest structure capable of performing the functional limitation of a means claimed in an application, means that the prior art does not meet the claims, see, In re Mott 194 USPQ 305. Thus, patentability is to be determined on the basis of the recited functions associated with the means and including the relationships between the recited means. Moreover, in determining the differences between the claimed subject matter and the prior art the claimed subject matter as a whole must be considered. It is error to focus on a distilled "gist" or "core" of the invention. See, Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc., 230 USPQ 416 (Fed. Cir. 1986). It is also well settled that obviousness under Section 103 requires a determination based on "the invention as a whole".

In applicant's parent application, the claims as presented by this preliminary amendment were rejected by Simon et al (Simon) as a sole basis under section 103. Simon discloses (Abstract) transmitters for ultrasonic or radio frequency waves. As now amended, all claims of the applicants' call for infrared pulse bursts.

The Simon reference was relied upon to evidence a disclosure of a locating and monitoring system and transmitter means transmitting pulse bursts at diverse times. Applicants' claim 49 recites far more than simply a transmitter means transmitting pulse bursts at diverse times. Moreover, claim 49 recites a system defined as the combination of "receiver means... and central means..." with "transmitter means". Moreover as now amended claim 49 provides that the transmitter further include as part of the combination:

> "means responsive to an algorithm for controlling said means for transmitting said infrared pulse bursts during a predetermined time interval, with the occurrence of each pulse burst in time relative to the start of each time interval varying from time interval to time interval, the amount of said varying being controlled by said means responsive to an algorithm incorporated with each transmitter using said unique binary identification code of that transmitter for preventing synchronization with other transmitters and with ambient periodic resident signals in the facility;"

Clearly, a unique binary identification code is not what is being claimed per se in claim 49. In the above quoted language from claim 49, the code of the transmitter is used to variably establish the time each pulse burst is transmitted during each time interval. It is unique to use the identification code in applicants' transmitter to control the time when pulse bursts are transmitted. The Simon reference is wholly silent in regard to use of a binary code, use of an algorithm, the use of the code to establish to transmission time for each pulse burst. An analysis of Simon's figure 6 clearly shows that Simon's only concept for presenting synchronization is by providing that each transmitter

always transmits at a precise time period within a two-second interval. This places unacceptable limits to the number of transmitters that can be used. More specifically, in Simon according to figure 6, a transmitter operating according to wave form 301 always transmits a pulse S3 at the same time during the 250 m second interval of wave form 301. This teaching is away from applicants' claimed invention where the pulse bursts by every transmitter occurs at different times under unique control by the algorithm of every transmitter.

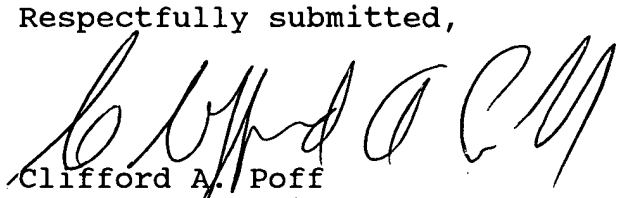
It is respectfully submitted that in the Simon reference where the typing is carried out on a computer is not a teaching to one skilled in the art of Applicants' combination of claims 52 and 53 and merely because these claims more specifically define a microcontroller and memory. The Guest patent is used for a disclosure of a plurality of receivers which is not understood since Simon has a plurality of receivers. Thus even if the combination of Simon and Guest is proper nothing new is added by Simon or Guest insofar as claim 59 of applicants' invention is concerned.

Submitted herewith are copies of the Declarations by the inventors under 37 C.F.R.§ 1.132 which were originally submitted with the parent application. Consideration of these Declarations is respectfully requested along guidelines given in the MPEP including Ex Parte Keys 214 USPQ 579.

In view of the foregoing, the instant application is believed to be in condition for allowance, and, therefore, an early issuance thereof is earnestly solicited.

If the Examiner believes that a telephone interview would be beneficial to advance prosecution of the instant application to early issue, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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